

DENNER ♦ PELLEGRINO, LLP  
COUNSELLORS AT LAW

August 14, 2008

Hon. Alvin K. Hellerstein  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Empyrean Investment Fund, LP, et al  
Docket No. 08-cv-06938

Dear Judge Hellerstein:

Yesterday afternoon, August 13<sup>th</sup>, I was engaged to represent the appellants, Empyrean Investment Fund, LP, et al ("our clients"), in the above-referenced matter. Accordingly, I have today entered my appearance as counsel of record on behalf of our clients.

As you are aware, in order for our clients' appeal to be perfected, a statement of issues and designation of record on appeal must be filed. Pursuant to the Federal Rules of Appellate Procedure, said documents are due within ten (10) days of docketing of the Notice of Appeal, which occurred on August 4<sup>th</sup>. Given that I have entered my appearance today, I respectfully request an extension of today's filing deadline for eleven (11) days to Monday, August 25<sup>th</sup>. The requested extension is necessary for me to review the underlying Bankruptcy Court record and adequately prepare the statement of issues and designation of record on appeal. For substantially similar reasons, I also respectfully request the filing date for the appellant's brief be extended by sixty (60) days from August 22<sup>nd</sup> to October 21<sup>st</sup>. The granting of the requested continuances will prejudice neither the Court nor the appellees, and is in the interests of justice.

Thank you for your consideration of the foregoing.

Sincerely,

/s/ Gary G. Pelletier  
Gary G. Pelletier (GP-5459)

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